

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 13, 2007

December 18, 2007  
Agenda Item No. 14(B)2

**To:** Honorable Carlos Alvarez, Mayor  
Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Municipal Opt-Out of Miami-Dade Fire Rescue District

This information is provided in order to update you on the status of a troubling development with several municipalities. As you know, on July 24, 2007 the Board of County Commissioners (Board) adopted Ordinance 07-107 relating to the Miami-Dade Fire Rescue District. The ordinance was co-sponsored by more than half of the Board in order to eliminate the opt-out provision that would result in the fragmentation of fire rescue services and erosion of the district's revenue base.

The following municipalities either have taken formal legislative action, or are considering leaving the Fire District.

- Town of Surfside has passed a resolution to withdraw from the Miami-Dade Fire Rescue District and has contemplated contracting with the City of Miami Beach for the service.
- Indian Creek Village has passed a Resolution No. 621 to withdraw from the Miami-Dade Fire Rescue District and to establish a Village contract with the City of Miami Beach.
- Village of Pinecrest Council adopted a resolution on December 12, 2007 calling for a special election on March 4, 2008 to present the Village's electors with a ballot question relating to the City of Coral Gables providing fire rescue services in lieu of the Miami-Dade Fire Rescue District.

I also understand that the City of Miami Beach is currently offering to provide fire rescue services for the cities of Bal Harbour, Sunny Isles, Bay Harbour, North Bay Village and Fisher Island. It is important to note that none of these communities are dissatisfied with the service they receive from Miami-Dade Fire Rescue, but rather the perceived cost of the service under the Fire Rescue District to the individual communities in question. In fact, the resources provided to the Village of Pinecrest from the four Miami-Dade fire stations that surround it far exceed the taxes they pay into the District.

Opting out of the Miami-Dade Fire Rescue District is in direct violation of the County Code. As a result, the election and the proposed opt-out of the fire rescue district are subject to legal challenge by a third party or by the County, at the direction of the Board.

Regionalization of essential public services is a basic principle of public policy and taxation. Property taxes and other general use tax revenues are not allocated back to individuals or neighborhoods based on how much they pay, but instead on the needs of the entire community. Taxpayers who have no children are still required to pay for public schools, and landlocked states are still required to pay for United States Navy or Coast Guard services.

Honorable Carlos Alvarez, Mayor  
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The Village of Pinecrest's resolution calling a special election to opt out of the Fire District, after the Board has adopted legislation prohibiting them to do so, is illegal and sets a terrible precedent for the future of public safety services in this community.

**Attachment (Reso)**

C: Robert Cuevas, County Attorney  
Denis Morales, Chief of Staff, Office of the Mayor  
Alina Tejeda Hudak, Assistant County Manager  
Jennifer Glazer Moon, Director, Office of Strategic Business Management  
Herminio Lorenzo, Director, Miami-Dade Fire Rescue  
Lester Sola, Supervisor of Elections

RESOLUTION NO. 2007-47

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, CALLING A SPECIAL ELECTION TO PRESENT THE VILLAGE'S ELECTORS WITH A BALLOT QUESTION RELATING TO THE CITY OF CORAL GABLES PROVIDING FIRE RESCUE SERVICES IN LIEU OF THE MIAMI-DADE FIRE RESCUE DISTRICT; PROVIDING THAT THE ELECTION SHALL BE HELD ON MARCH 4, 2008; PROVIDING FOR BALLOTING VIA U.S. MAIL; PROVIDING FOR NOTICE; PROVIDING FOR REGISTRATION; PROVIDING FOR CANVASSING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 10, 2007, the Village Council adopted Resolution 2007-27 which notified Miami-Dade County of the Village's intent to withdraw from the Miami-Dade Fire Rescue District (MDFRD), pursuant to Article II, Section 18-30 of the Miami-Dade County Code of Ordinances, and to provide fire and rescue services through alternative means;

WHEREAS, the Village Council has determined that the cost to the Village's property owners for fire and rescue services through the MDFRD is well in excess of the cost of obtaining the service from the City of Coral Gables;

WHEREAS, at the time the Village notified Miami-Dade County of its intent to withdraw from the MDFRD, the county's code contained a provision that required that the Village's electors approve of the alternate means of providing fire rescue services;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Council hereby calls a special election for the 4<sup>th</sup> day of March, 2008, to present to the electors of the Village of Pinecrest the ballot question provided in Section 3 of the Resolution.

Section 2. That mail ballots, as prescribed by Sections 101.6101-101.6107 (Florida Statutes), shall be used in this special election. All qualified electors of the Village shall be entitled to vote.

Section 3. That the form of the ballot shall be as follows:

SHALL THE VILLAGE OPT OUT OF THE MIAMI-DADE FIRE RESCUE DISTRICT  
AND CONTRACT WITH THE  
CITY OF CORAL GABLES FOR FIRE RESCUE SERVICES?

[        ]        YES  
[        ]        NO

Section 4. That the Village Clerk shall publish notice of said election in accordance with Section 100.342 (Florida Statutes) in a newspaper of general circulation within the Village at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election and the second publication to be in the third week prior to the election and shall be substantially in the following form:

*NOTICE OF SPECIAL ELECTION*

*PUBLIC NOTICE IS HEREBY GIVEN THAT THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST HAS CALLED AND ORDERED THAT A SPECIAL ELECTION BE HELD WITHIN THE VILLAGE OF PINECREST ON MARCH 4, 2007, BY MAIL BALLOT, AT WHICH THE FOLLOWING QUESTION SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE:*

*SHALL THE VILLAGE OPT OUT OF THE MIAMI-DADE FIRE RESCUE DISTRICT  
AND CONTRACT WITH THE  
CITY OF CORAL GABLES FOR FIRE RESCUE SERVICES?*

[        ]        YES  
[        ]        NO

Section 5. That the voter registration books shall remain open at the Office of the Supervisor of Elections of Miami-Dade County until February 1, 2008 at which date the registration books shall close in accordance with the provisions of general election laws.

Section 6. That the special election shall be canvassed by the Miami-Dade County Canvassing Board in accordance with the provisions of general election laws.


Section 7. That a copy of this resolution shall be available for public inspection during regular business hours in the Office of the Village Clerk of the Village of Pinecrest, located at 12645 Pinecrest Parkway, Pinecrest, Florida and that an electronic copy be available on the Village's web site – [www.pinecrest-fl.gov](http://www.pinecrest-fl.gov).

Section 8. That the Village Clerk and Miami-Dade County Supervisor of Elections are hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution.

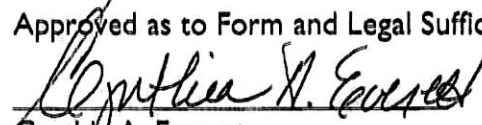
Section 9. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 12th day of December, 2007.

Attest:

  
\_\_\_\_\_  
Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
Cynthia A. Everett  
Village Attorney

  
\_\_\_\_\_  
Gary C. Matzner, Mayor



Motion by: Vice Mayor Harter  
Second by: Councilmember Cutler

Vote: Councilmember Cutler, Vice Mayor Harter and Mayor Matzner voting Yes  
Councilmembers Corradino and Serota voting No

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